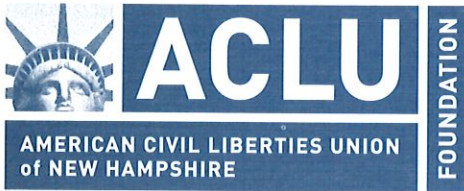


EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE

18 Low Avenue
Concord, New Hampshire 03301
603-225-3080
www.aclu-nh.org

Devon Chaffee
Executive Director

June 12, 2018

VIA EMAIL

Christopher Keating, Esq.
Administrative Office of the Courts
1 Granite Place, Suite N400
Concord, NH 03301

**Re: Right-to-Know Request Regarding Enforcement of Criminal Defamation Statute
(RSA 644:11)**

Dear Attorney Keating:

This is a Right-to-Know request to the Administrative Office of the Courts pursuant to Part I, Article 8 of the New Hampshire Constitution by the American Civil Liberties Union of New Hampshire ("ACLU-NH"). The ACLU-NH defends and promotes the fundamental principles embodied in the Bill of Rights and the U.S. and New Hampshire Constitutions. In furtherance of that mission, the ACLU-NH regularly conducts research into government activities in New Hampshire. We ask that your Office waive all fees associated with responding to this request. Please contact me to discuss the fee waiver in advance of preparing any copies.

Below is the specific request:

1. A document sufficient to identify all prosecutions for criminal defamation under RSA 644:11 available on the court system's database. This request seeks only documents sufficient to identify (i) the defendant's identity, (ii) the case number, and (iii) the case's location and disposition if available.

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible. Of course, if you have any questions or concerns, do not hesitate to contact me.

Very truly yours,

Gilles Bissonnette
ACLU-NH, Legal Director
Gilles@aclu-nh.org

Gilles Bissonnette

From: Kelly Friberg <KFriberg@courts.state.nh.us>
Sent: Tuesday, June 12, 2018 2:15 PM
To: Gilles Bissonnette
Subject: Right-to-Know Request

Good afternoon, Mr. Bissonnette:

This e-mail serves as confirmation of receipt of the right-to-know request that was received via e-mail by Christopher Keating. It has been forwarded to our data team for further review.

Please let me know if you have any questions.

Thank you,

Kelly D. Friberg
Executive Assistant
Administrative Office of the Courts
1 Granite Place, Suite N400
Concord, NH 03301
(603) 271-2521 ext. 0304
kfriberg@courts.state.nh.us

Gilles Bissonnette

From: Christopher Keating <CKeating@courts.state.nh.us>
Sent: Thursday, July 5, 2018 8:26 AM
To: Gilles Bissonnette
Cc: Kelly Friberg
Subject: FW: Right to Know Request
Attachments: ACLU request received 06-12-18.pdf; Criminal Defamation filings 2009-2017.pdf; Criminal Defamation dispositions 2009-2017.pdf

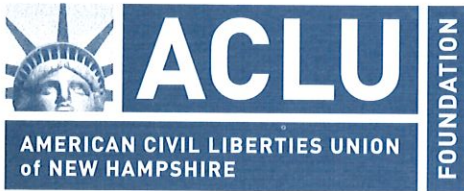
Dear Gilles:
This message is in response to your June 12th request for criminal data pertaining to the criminal defamation statute. Attached please find 2 reports: the first lists charges filed and the second lists charges disposed. The information comes from two different reports, so they contain different types of detail. Explanatory notes have been provided below. We hope this is helpful.

Filing (Offense Code Report) notes:

This is a count of charges filed 1/1/2009-12/31/2017, which fell under RSA 644:11 .
Charges may be amended throughout the criminal process. The offense counted is the offense reported as of 7/3/18.
This does not include annulled charges.
Multiple charges may be filed in one case.
This includes data from the Superior Court and Circuit Court-District Division. It does not include Juvenile Delinquency data.

Disposition (Criminal Disposition Type report) notes:

This includes charges disposed 1/1/2009–12/31/2017, which fell under RSA 644:11 . It does not represent charges <i>filed</i> in that date range, some of which may not yet be disposed.
Dispositions and charges may be amended throughout the criminal process. The disposition and offense counted are those that were reported as of 7/3/18.
Some convictions may have been appealed.
This includes data from the Superior Court and Circuit Court-District Division. It does not include Juvenile Delinquency data.
This does not include annulled charges.
Some charges could be represented twice, if they were disposed both in District (as boundover/indicted), then again in Superior (as acquittal/conviction/etc.), in the same date range.
The "Indicted" disposition is used to close a matter in the District Division when the charge is transferred to Superior Court prior to the probable cause hearing in the District Division. This number does not represent the total number of charges indicted.



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Devon Chaffee
Executive Director

June 12, 2018

VIA EMAIL

Christopher Keating, Esq.
Administrative Office of the Courts
1 Granite Place, Suite N400
Concord, NH 03301

**Re: Right-to-Know Request Regarding Enforcement of Criminal Defamation Statute
(RSA 644:11)**

Dear Attorney Keating:

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1. A document sufficient to identify all prosecutions for criminal defamation under RSA 644:11 available on the court system's database. This request seeks only documents sufficient to identify (i) the defendant's identity, (ii) the case number, and (iii) the case's location and disposition if available.

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible. Of course, if you have any questions or concerns, do not hesitate to contact me.

Very truly yours,

Gilles Bissonnette
ACLU-NH, Legal Director
Gilles@aclu-nh.org

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017

Sort Order: Case Number

Case Type: Aggravated DWI,Bail,Boundover,Class A

Strafford Superior Court

64411

Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
219-2016-CR-00088	CRIM	State v. Melissa St Pierre	01/14/2016	Closed	Strafford Superior Court

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
Hillsborough Superior Court Southern District

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
226-2016-CR-00024	CRIM	State v. Brian Colsia	01/14/2016	Pleading(s) Pending	Hillsborough Superior Court
226-2016-CR-00024	CRIM	State v. Brian Colsia	01/14/2016	Pleading(s) Pending	Hillsborough Superior Court
226-2016-CR-00024	CRIM	State v. Brian Colsia	01/14/2016	Pleading(s) Pending	Hillsborough Superior Court

Group Count: 3

Total Count: 3

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
3rd Circuit - District Division - Conway

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
430-2010-CR-00654	CRIM	State v. Brandon C McLellan	05/17/2010	Closed	3rd Circuit - District Division - Conway

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
10th Circuit - District Division - Derry

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
431-2016-CR-00561	CRIM	State v. Derick Grover	03/16/2016	Closed	10th Circuit - District Division - Derry

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
7th Circuit - District Division - Dover

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
432-2017-CR-02369	CRIM	State v. Diane Dever	10/04/2017	Closed	7th Circuit - District Division - Dover

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
10th Circuit - District Division - Brentwood

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
435-2012-CR-01783	CRIM	State v. Carla J Costa	09/05/2012	Scheduling Pending	10th Circuit - District Division - Brentwood
435-2013-CR-02115	CRIM	State v. Michael Miller	10/24/2013	Closed	10th Circuit - District Division - Brentwood

Group Count: 2

Total Count: 2

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
9th Circuit - District Division - Goffstown

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
438-2010-CR-01067	CRIM	State v. Rebecca Coburn	07/13/2010	Closed	9th Circuit - District Division - Goffstown

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
10th Circuit - District Division - Seabrook

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
441-2011-CR-03148	CRIM	State v. Brian Wilson	10/18/2011	Closed	10th Circuit - District Division - Seabrook

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
6th Circuit - District Division - Hillsborough

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
444-2009-CR-01225	CRIM	State v. Sarah England-Church	10/14/2009	Closed	6th Circuit - District Division -

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
8th Circuit - District Division - Jaffrey

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
448-2009-CR-01105	CRIM	State v. Joshua Berard	07/20/2009	Default	8th Circuit - District Division - Jaffrey

Group Count: 1

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
448-2015-CR-01338	CRIM	State v. Heather Nowicki	11/23/2015	Closed	8th Circuit - District Division - Jaffrey

Group Count: 1

Total Count: 2

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
 4th Circuit - District Division - Laconia

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
450-2014-CR-02607	CRIM	State v. Loren Emmons	08/13/2014	Closed	4th Circuit - District Division - Laconia
450-2014-CR-02607	CRIM	State v. Loren Emmons	08/13/2014	Closed	4th Circuit - District Division - Laconia
450-2014-CR-02607	CRIM	State v. Loren Emmons	08/13/2014	Closed	4th Circuit - District Division - Laconia
450-2014-CR-02607	CRIM	State v. Loren Emmons	08/13/2014	Closed	4th Circuit - District Division - Laconia
450-2017-CR-02905	CRIM	State v. Loren Emmons	11/20/2017	Pending	4th Circuit - District Division - Laconia
450-2017-CR-02905	CRIM	State v. Loren Emmons	11/20/2017	Pending	4th Circuit - District Division - Laconia
450-2017-CR-02905	CRIM	State v. Loren Emmons	11/20/2017	Pending	4th Circuit - District Division - Laconia

Group Count: 7

Total Count: 7

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
2nd Circuit - District Division - Lebanon

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
452-2012-CR-01230	CRIM	State v. Christine A Richardson	07/16/2012	Closed	2nd Circuit - District Division - Lebanon

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
9th Circuit - District Division - Nashua

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
459-2012-CR-03121	CRIM	State v. Robert Frese	05/22/2012	Closed	9th Circuit - District Division - Nashua
459-2017-CR-04474	CRIM	State v. Mary Norton	10/06/2017	Closed	9th Circuit - District Division - Nashua

Group Count: 2

Total Count: 2

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
5th Circuit - District Division - Newport

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
462-2016-CR-00288	CRIM	State v. Michael Prindiville	02/26/2016	Closed	5th Circuit - District Division - Newport

Group Count: 1

Total Count: 1

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
3rd Circuit - District Division - Ossipee

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
464-2011-CR-00465	CRIM	State v. Patrick M Fitzpatrick	03/17/2011	Closed	3rd Circuit - District Division - Ossipee
464-2014-CR-01761	CRIM	State v. Doug Kenny	09/29/2014	Closed	3rd Circuit - District Division - Ossipee

Group Count: 2

Total Count: 2

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
 10th Circuit - District Division - Portsmouth

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
470-2011-CR-00475	CRIM	State v. Rachel E Kammerer	03/15/2011	Closed	10th Circuit - District Division -
470-2012-CR-00527	CRIM	State v. Robert G McDowell	03/22/2012	Closed	10th Circuit - District Division -
470-2012-CR-00670	CRIM	State v. Kelsey Green	04/11/2012	Closed	10th Circuit - District Division -
470-2014-CR-00683	CRIM	State v. Sanford A Moore	04/22/2014	Closed	10th Circuit - District Division -

Group Count: 4

Total Count: 4

Offense Codes Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017 Sort Order: Case Number Case Type: Aggravated DWI,Bail,Boundover,Class A
10th Circuit - District Division - Salem

64411 Criminal Defamation

Case Number	Case Type	Case Style	Filed On	Status	Court
473-2014-CR-03424	CRIM	State v. Rachael Wallace	10/03/2014	Closed	10th Circuit - District Division - Salem

Group Count: 1

Total Count: 1

Cases by Offense Code Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017

Sort Order: Case Number

Case Type: Aggravated DWI,Bail,Boundover,Class A

Summary

Strafford Superior Court

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

Hillsborough Superior Court Southern District

Offense Code	Offense Description	Cases
64411	Criminal Defamation	3
Sub-Total Count:		3

3rd Circuit - District Division - Conway

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

10th Circuit - District Division - Derry

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

7th Circuit - District Division - Dover

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

10th Circuit - District Division - Brentwood

Offense Code	Offense Description	Cases
64411	Criminal Defamation	2
Sub-Total Count:		2

9th Circuit - District Division - Goffstown

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

10th Circuit - District Division - Seabrook

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1

Sub-Total Count: 1

6th Circuit - District Division - Hillsborough

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

8th Circuit - District Division - Jaffrey

Offense Code	Offense Description	Cases
64411	Criminal Defamation	2
Sub-Total Count:		2

4th Circuit - District Division - Laconia

Offense Code	Offense Description	Cases
64411	Criminal Defamation	7
Sub-Total Count:		7

2nd Circuit - District Division - Lebanon

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

9th Circuit - District Division - Nashua

Offense Code	Offense Description	Cases
64411	Criminal Defamation	2
Sub-Total Count:		2

5th Circuit - District Division - Newport

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1

3rd Circuit - District Division - Ossipee

Offense Code	Offense Description	Cases
64411	Criminal Defamation	2
Sub-Total Count:		2

10th Circuit - District Division - Portsmouth

Offense Code	Offense Description	Cases
64411	Criminal Defamation	4
Sub-Total Count:		4

Cases by Offense Code Report

New Hampshire

Date Range: 01/01/2009 to 12/31/2017

Sort Order: Case Number

Case Type: Aggravated DWI,Bail,Boundover,Class A

Summary

10th Circuit - District Division - Salem

Offense Code	Offense Description	Cases
64411	Criminal Defamation	1
Sub-Total Count:		1
Total Count:		32

Criminal Disposition Type									
Courts: All				Dispo Types: All					
Final Degrees: All				Final Statute Types: 64411					
Dispo Start Date: 1/1/2009				Dispo End Date: 12/31/2017					
Printed Date/time: 7/3/2018 2:20:23 PM									
Court Name	Case Number	Chrg Num	File Date	Final Statute	Final Deg Desc	Final Chrg Off Desc	Disp Date	Disp Type	Disp Type Group
10th Circuit - District Division - Brentwood	435-2012-CR-01783	3	09/05/2012	644:11	MISDB	Criminal Defamation	04/16/2013	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Brentwood	435-2013-CR-02115	3	10/24/2013	644:11	MISDB	Criminal Defamation	12/04/2014	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Derry	431-2016-CR-00561	1	03/16/2016	644:11	MISDB	Criminal Defamation	11/18/2016	Dismissed (DIS)	Dismissed
10th Circuit - District Division - Plaistow	468-2008-CR-01059	1	08/12/2008	644:11	MISDB	Criminal Defamation	04/22/2010	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Portsmouth	470-2011-CR-00475	2	03/15/2011	644:11	VIOL	Criminal Defamation	12/06/2011	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Portsmouth	470-2012-CR-00527	1	03/22/2012	644:11	MISDB	Criminal Defamation	08/21/2012	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Portsmouth	470-2012-CR-00670	2	04/11/2012	644:11	MISDB	Criminal Defamation	05/29/2012	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Portsmouth	470-2014-CR-00683	1	04/22/2014	644:11	MISDB	Criminal Defamation	05/05/2014	Finding of Guilty (C10)	Conviction
10th Circuit - District Division - Salem	473-2014-CR-03424	2	10/03/2014	644:11	MISDB	Criminal Defamation	10/20/2014	Placed on File w/o Finding (C17)	Other
10th Circuit - District Division - Seabrook	441-2011-CR-03148	1	10/18/2011	644:11	MISDB	Criminal Defamation	02/14/2012	Finding of Guilty (C10)	Conviction
2nd Circuit - District Division - Lebanon	452-2012-CR-01230	1	07/16/2012	644:11	MISDB	Criminal Defamation	01/23/2013	Finding of Guilty (C10)	Conviction
3rd Circuit - District Division - Conway	430-2010-CR-00654	1	05/17/2010	644:11	MISDB	Criminal Defamation	05/18/2010	Placed on File w/o Finding (C17)	Other
3rd Circuit - District Division - Ossipee	464-2011-CR-00465	3	03/17/2011	644:11	MISDA	Criminal Defamation	04/04/2011	Placed on File w/o Finding (C17)	Other
3rd Circuit - District Division - Ossipee	464-2014-CR-01761	1	09/29/2014	644:11	MISDB	Criminal Defamation	01/14/2015	Finding of Guilty (C10)	Conviction
4th Circuit - District Division - Laconia	450-2014-CR-02607	1	08/13/2014	644:11	MISDB	Criminal Defamation	10/02/2014	Finding of Guilty (C10)	Conviction
4th Circuit - District Division - Laconia	450-2014-CR-02607	2	08/13/2014	644:11	MISDB	Criminal Defamation	10/02/2014	Placed on File w/o Finding (C17)	Other
4th Circuit - District Division - Laconia	450-2014-CR-02607	3	08/13/2014	644:11	MISDB	Criminal Defamation	10/02/2014	Placed on File w/o Finding (C17)	Other
4th Circuit - District Division - Laconia	450-2014-CR-02607	4	08/13/2014	644:11	MISDB	Criminal Defamation	10/02/2014	Finding of Guilty (C10)	Conviction
5th Circuit - District Division - Newport	462-2016-CR-00288	3	02/26/2016	644:11	MISDB	Criminal Defamation	09/14/2017	Nolle Prossed (NP)	Nolle Prossed
6th Circuit - District Division - Hillsborough	444-2009-CR-01225	1	10/14/2009	644:11	MISDB	Criminal Defamation	11/12/2009	Finding of Guilty (C10)	Conviction
7th Circuit - District Division - Dover	432-2017-CR-02369	1	10/04/2017	644:11	VIOL	Criminal Defamation	10/17/2017	Finding of Guilty (C10)	Conviction
8th Circuit - District Division - Jaffrey	448-2009-CR-01105	1	07/20/2009	644:11	MISDB	Criminal Defamation	10/05/2009	Finding of Guilty (C10)	Conviction
8th Circuit - District Division - Jaffrey	448-2015-CR-01338	1	11/23/2015	644:11	VIOL	Criminal Defamation	06/23/2016	Finding of Guilty (C10)	Conviction
9th Circuit - District Division - Goffstown	438-2010-CR-01067	1	07/13/2010	644:11	MISDB	Criminal Defamation	10/19/2010	Nolle Prossed (NP)	Nolle Prossed
9th Circuit - District Division - Nashua	459-2012-CR-03121	1	05/22/2012	644:11	MISDB	Criminal Defamation	08/03/2012	Finding of Guilty (C10)	Conviction
9th Circuit - District Division - Nashua	459-2017-CR-04474	1	10/06/2017	644:11	MISDB	Criminal Defamation	12/06/2017	Placed on File w/o Finding (C17)	Other
Hillsborough Superior Court Southern District	226-2016-CR-00024	4	01/14/2016	644:11	MISDB	Criminal Defamation	01/18/2017	Jury Verdict of Not Guilty (JVNG)	Acquittal
Hillsborough Superior Court Southern District	226-2016-CR-00024	5	01/14/2016	644:11	MISDB	Criminal Defamation	01/18/2017	Jury Verdict of Not Guilty (JVNG)	Acquittal
Hillsborough Superior Court Southern District	226-2016-CR-00024	6	01/14/2016	644:11	MISDB	Criminal Defamation	01/18/2017	Jury Verdict of Not Guilty (JVNG)	Acquittal
Strafford Superior Court	219-2016-CR-00088	2	01/14/2016	644:11	MISDB	Criminal Defamation	09/21/2016	Guilty by Court (GBC)	Conviction